

JASPO, INC.,)	AGBCA No. 2005-111-3
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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RULING OF THE BOARD OF CONTRACT APPEALS

March 1, 2005

Before POLLACK and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal from JASPO, Inc. (JASPO) of Kent County, Washington, was received at the Board November 1, 2004. The Notice of Appeal stated that JASPO wished to appeal an August 9, 2004 decision of an officer of the Commodity Credit Corporation (CCC), a federally chartered corporation within the U. S. Department of Agriculture, denying a claim of loss in the amount of \$38,879.11. By letter dated November 16, 2004, JASPO elected to proceed under the accelerated procedure provided by 7 CFR § 24.21, Rule 12.3. The accelerated procedure provides for a decision within 180 days of election decided by a two-judge panel.

Thereafter, JASPO filed a complaint alleging that it is a Washington corporation engaged in

agricultural exports and that it was a party to a CCC Supplier Credit Guarantee Program contract, GSM-SCGP-807147. JASPO alleged entitlement to \$38,879.11 from CCC due to the default of the buyer of a December 2003 sale of oranges subject to CCC SCGP 807147. JASPO's claim of loss had been denied as untimely under CCC regulations.

CCC's Motion to Dismiss for Lack of Subject Matter Jurisdiction was received at the Board December 27, 2004. By letter dated January 28, 2005, JASPO has stipulated to CCC's Motion to Dismiss and requested that a notice of dismissal be entered.

RULING

CCC's Motion is granted. Given the stipulation, the appeal is dismissed for lack of jurisdiction.

ANNE W. WESTBROOK

Administrative Judge

Concurring:

HOWARD A. POLLACK

Administrative Judge

Issued at Washington, D.C.

March 1, 2005